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A Souvenir

FOR THE MEMBERS OF THE

**PENNSYLVANIA BAR ASSOCIATION,**

AT THEIR

Seventeenth Annual Meeting

HELD AT

**BEDFORD SPRINGS, PENNA.,**

ON THE

27th, 28th and 29th Days of June, 1911,

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Presented by

**JOHN H. JORDAN,**

A Member of the Bar of Bedford County, and U. S. Attorney for the  
Western District of Pennsylvania.



## A STATEMENT.

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This pamphlet contains extracts from the early records of the Courts of Bedford County, giving :

1. The dedimus potestatem on the part of John Penn to John Fraser, Bernard Dougherty and Arthur St. Clair, authorizing them to administer oaths of office and also the oath of allegiance.

2. The form of oath required to be taken by Officials serving under King George, III, and a copy of the first oath administered.

3. The form of oath that Officials were required to take after Pennsylvania joined the Union of the states.

4. Copies from the criminal records of the Quarter Sessions Court for the County of Bedford showing the sentences imposed on conviction for crimes; that the pillory and whipping post were in use, and that other forms of punishment, which would now be considered barbarous, were enforced.

5. Also excerpts from the deed executed by the Six Nations to Garret Pendergrass, Sr., for the Land on which the City of Allegheny now stands.

Hoping these extracts may prove entertaining, I am,

Respectfully yours,

JOHN H. JORDAN.



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## DEDIMUS POTESATEM.

The Honorable John Penn, Esquire, Lieutenant Governor and Commander in Chief of the Province of Pennsylvania and Counties of New Castle, Kent and Sussex on Delaware To John Fraser, Bernard Dougherty and Arthur St. Clair of the County of Bedford, Esquires, GREETING. Reposing special trust and confidence in your Loyalty and Integrity I have authorized, empowered and by these presents do authorize and empower the said John Fraser, Bernard Dougherty and Arthur St. Clair or either of you to administer to all Judges, Justices, Sheriffs and all other officers civil and military and all other persons whatsoever within the said County of Bedford as well the oath of office as also the oath of allegiance and supremacy and other the usual declarations, tests and qualifications required by law to be taken by the said several officers civil and military to qualify them every or any of them for the entering upon and executing their several and respective offices to which they are or shall be commissioned or any other occasion may make it requisite and proper to tender or administer the said several oaths, tests and qualifications or any of them to such officers and other persons until my pleasure shall be further known therein.

Given under my hand and seal at Philadelphia the Twelfth day of March in the Year of Our Lord one thousand seven hundred and seventy one.

Recorded 30th. March 1771.

JOHN PENN.

Recorded in Quarter Sessions Docket No.1, page 1.

## Oath of Office and Allegiance under King George The Third.

I do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty George the Third.

So help me God.

I do swear that I do from my heart abhor, detest and abjure as impious and heretical that damnable Doctrine and Position that Princes excommunicated and deprived by the Pope or any authority of the See of Rome may be deposed or murdered by their subjects or any other whomsoever, and I do declare that no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any jurisdiction. Power, Superiority, Preeminence or authority Ecclesiastical or Spiritual within this Realm.

So help me God.

I do declare that I believe that there is not any transubstantiation in the Sacrament of the Lord's Supper or in the elements of Bread and Wine after the consecration thereof by any person or persons whatsoever.

I do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the world that our Sovereign Lord King George the Third is lawful and rightful King of this realm and other his Majesty's dominions thereunto belonging, and I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person pretended to be the Prince of Wales during the life of the late King James the Second and since his death pretending to be and took upon himself the Style and Title of King of England by the name of James the Third and of Scotland by the name of James the Eighth or the Style or Title of King of Great Britain hath any right or title whatsoever to the Crown of this Realm or any other the dominions thereunto belonging, and I do renounce, refuse and

abjure allegiance or obedience to them, and I do swear that I will bear faith and true allegiance to his Majesty King George the Third and him will defend to the utmost of my power against all traitors, conspiracies and attempts whatsoever which shall be named against his person, Crown and Dignity and I will do my endeavor to disclose and make known to his Majesty and his successors all treason and traitorous conspiracies which I shall know to be against him or any of them, and I do faithfully promise to the utmost of my power to support, maintain and defend the succession of the crown against the descendants of the said James and against all other persons whatsoever which succession by an Act entitled an Act for the further limitation of the Crown and better securing the rights and liberties of the subject is and stands limited to the Princess Sophia late electress and Duchess Dowager of Hanover and the heirs of her body being Protestants and all these things I do plainly and sincerely acknowledge and swear according to the express words by me spoken and according to the plain and common sense and understanding of the same words without any equivocation, mental reservation or secret evasion whatsoever, and I do make this recognition, acknowledgement, abjuration, renunciation and promise heartily willingly and truly upon the true faith of a Christian.

So help me God.

BERNARD DOUGHERTY.

By virtue of a *dedimus potestatem* to me directed the foregoing oaths together with the oath of office were by me administered to Bernard Dougherty, Esquire, one of the Justices, &c. for the County of Bedford this 29th, of March 1771.

AR. (ARTHUR) ST. CLAIR.

Recorded in Quarter Sessions Docket No. 1, page 3.



## Oath of Office under The Commonwealth of Pennsylvania.

I,                      do swear that I renounce and refuse all allegiance to George the Third, King of Great Britain, his heirs and successors and that I will be faithful and bear true allegiance to the Commonwealth of Pennsylvania as a free and independent State; and that I will not at any time do, or cause to be done, any matter or thing that will be prejudicial or injurious to the freedom and independence thereof as declared by Congress, and also that I will discover and make known to some one Justice of the Peace of the said State, all treason or traitorous conspiracies, which I now know or hereafter shall know to be formed against this or any of the United States of America.

So help me God.

September 1777. Robert Galbreath and James Martin, being by a commission from His Excellency Thomas Wharton Jr. Esq. Presd't. of the Supreme Executive Council of the Commonwealth of Pennsylvania, appointed two of the Justices of the Peace and of the County Court of Common Pleas &c. dated the 11th. day of September 1777 for the County of Bedford took the oath of Office before

GEORGE BRYAN, Esq.

Vice President.

Recorded in Quarter Sessions Docket No. 1, page 15.



Records of Convictions and Sentences Imposed in the  
Quarter Sessions Courts.

JANUARY SESSIONS 1775.

The King : Lareeny. A true Bill and Defendant  
v. : being arraigned, plead Not Guilty and  
Alexander Miller : Andrew Allen, who for our Lord the  
and Richard Shee. : King follows in like manner and a  
jury of the Country being returned  
and sworn, viz: Charles Cessna,  
Thomas Jones, William Eekler, David  
Irwin, Carper Davelgaugh, Rynhart  
Wolf, Adam Sam, Jacob Sailor. Will-  
iam McCall, David Rynhart, John  
Cessna and James Milligan, who say  
that the defendants are guilty in man-  
ner and form as they are charged in  
the indietment.

Whereupon it is considered by the Court that the de-  
fendants replace the watch by them stolen to the owner James  
Williams, or pay him the value thereof being six pounds and  
ten shillings, lawful money of Pennsylvania, that they pay  
the like sum of six pounds and ten shillings to the Governor  
of the Province for the support of Government and that they  
be taken to the Public Whipping Post in the Town of Bed-  
ford on Friday next being the twentieth Instant between the  
Hours of one and two in the afternoon of the same Day and  
that the said Richard Shee then and there receive five stripes  
on his bare back well laid on and that the said Alexander  
Miller then and there receive twenty one stripes on his bare  
back well laid on that they pay the costs of these proceedings  
and that they be committed until this judgment is complied  
with.

## JANUARY SESSIONS 1776.

The King : Larceny. A True Bill. The de-  
 v. : fendants being arraigned plead not  
 Nicholas Fitzsimons : guilty in manner and form as they  
 and James Reeves. : stand indicted and of this they put  
 themselves upon the Country. And  
 Andrew Allen Esquire who for our  
 Sovereign Lord the King follows in  
 like manner and a Jury of the  
 Country being returned on a pannel  
 to a Writ of Venire Facias directed  
 to the Sheriff of the County of Bed-  
 ford annexed the following persons  
 therein named being called and  
 sworn, viz: Thomas Ury, James  
 Patterson, John Miller, Samuel  
 Moore, William McComb, James  
 Beaty, Joseph Morrison, Samuel  
 Drennin, Thomas Johnson, Charles  
 Ruby, Edward Rose and Rynhart  
 Wolf, who say that the defendants  
 are guilty in manner and form as  
 they stand indicted.

Whereupon it is considered by the Court and ordered  
 that they restore the goods stolen or the value thereof, viz:  
 fifty shillings and that they pay a fine of fifty shillings to his  
 Honor the Governor of this Province for the support of the  
 Government thereof that the said Nicholas Fitzsimons receive  
 twenty-one lashes on his bare back well laid on and that  
 the said James Reeves receive five lashes on his bare back  
 well laid on to-morrow morning between the hours of ten  
 and twelve and that they respectively stand committed till  
 this judgment is complied with.

## JANUARY SESSIONS 1776.

The King : Larceny. A true bill, the defendant  
 v. : being arraigned pleads not guilty in  
 John McNaullay : manner and form as he stands indicted  
 and of this he puts himself upon the  
 Country, and Andrew Allen, Esquire  
 who for our Sovereign Lord the King  
 in like manner and a jury of the Coun-  
 try being returned on a pannel annexed  
 to a Writ of Venire Facias to the Sher-  
 iff of the County aforesaid directed the  
 following persons therein named being  
 called elected and sworn viz: Thomas  
 Urie, James Patterson, John Miller,  
 Samuel Moors, William McComb, James  
 Beaty, Joseph Morrison, Samuel Dren-  
 nin, Thomas Johnston, Charles Ruby,  
 Edward Rose and Rynhart Wolf say  
 that the defendant is guilty of the Lar-  
 ceny in manner and form as he stands  
 indicted.

Whereupon it is considered that he restore the goods  
 mentioned in the indictment to the owner or the value there-  
 of being four pounds and ten shillings lawful money of Penn-  
 sylvania that he pay a fine of four pounds and ten shillings  
 to his Honour the Governor of this Province for the support  
 of the Government thereof that he receive fifteen lashes on  
 his bare back well laid on to-morrow between the hours of  
 ten and twelve in the morning, that he pay the costs of this  
 prosecution and that he stand committed till this judgment  
 is complied with.

## APRIL SESSIONS 1778.

The Commonwealth : Felony. Indictment. True Bill. The  
 v. : defendant being called and charged  
 John Young. : plead not guilty and for tryal puts  
 himself upon his Country and Jonathan Serjant, Esq., who for the Commonwealth in like manner. And now, to wit: this term the Sheriff returns to wit: James Anderson, John Crissman, James Patterson, Christopher Miller, Benjamin Jolley, Earnest Baker. Giddian Ritchey, Edward Rose, Henderson Murphey, George Funk, Samuel McCashlan, jr. and John Wilt, who find the defendant guilty.

Judgm't. that on the 20th of June next John Young receive 7 lashes, that he restore the goods stolen or the value thereof and a fine of like value to the Governor and costs of suit and stand committed, &c.

Pennsylvania : October Sessions 1782.  
 vs. : Indictment for Horse Stealing.  
 Daniel Palmer. :

And now, a jury being called, same to wit: Hugh Barelay, Daniel Rhodes, John Johnston, John Graham, Dickey Berkshire, Robert Wadsworth, Thomas Canovey, George Elder, Shadwick Casteel Joshua Davis, Samuel Shimer and Robert Gibson, who being duly sworn and affirmed do say that they find the defendant guilty in manner and form as he stands indicted.

It is thereupon considered by the Court that the said Daniel Palmer shall be taken to-morrow morning to the public whipping post and between the hours of eight and ten of the clock shall receive thirty-nine lashes to be well laid on his bare back and that immediately afterwards the said Daniel Palmer shall be placed in the pillory where he shall stand for one hour and have his ears cut off and nailed to the pillory and shall forfeit to the Commonwealth the sum of fifteen pounds, being the value of the goods of Ludowick Friedline of which the said Daniel Palmer is convicted of stealing and shall pay the costs attending the prosecution and be committed until the whole of this sentence is complied with.

Excerpts from the Deed from the Six Indian Nations to  
Garret Pendergrass Dated—February, 1770.

Know all men by these presents that, Whereas, a certain Garret Pendergrass, Sr., of Bedford Settlement in the Province of Pennsylvania and County of Cumberland was settled some number of years past by leave of the Chiefs or Deputies of the Six Nations of Indians on a tract of land where Bedford is now situated while the said land was yet the property of us and our said Chiefs and Deputies said Pendergrass being dispossessed of the said land in time of the war between the French and English and before said Pendergrass could safely return to live on the said land it was entered upon by people who have from time to time and yet continue to keep said Pendergrass from the enjoyment of the said tract of land, said Pendergrass at the last Treaty held at Fort Pitt with the representatives of the said Six Nations informed our said Chiefs or their representatives or Deputies that he was deprived of the above tract of land as above mentioned, whereupon us and our said Deputies did then at the said Treaty give him the said Pendergrass our leave in writing under our hands to settle on the tract of land called the

Long Beach near the mouth of Youghyagain but the said last mentioned tract being at the time of the said Treaty or before it improved by some other person or persons contrary to our intention for which reason be the said Pendergrass has not obtained possession of the latter mentioned tract and cannot *quiatly* enjoy nither of the two above mentioned tracts.

Know ye therefore that we the under or within bound subscribers who have hereunto caused our names to be set and have put our marks, the first of us signing being one of the Chiefs and the other two deputys of the said Six Nations. do give and grant to the said Garret Pendergrass his heirs and trustees foreyer our full leave and liberty of us for and in behalf of the said Six Nations to settle on a tract of land on the north side of the Aligaina River *oposate* to Fort Pitt to *joyn* the said river on the one side and to extend one mile and a half from the landing on the north side of the said Aligaina River opposite to Fort Pitt in form of a Cemi-Circle from said landing hereby granting to him and his heirs, trustees and assigns full liberty to build houses, make improvements and cultivate the said land or any part thereof, &c.

Signed and agreed to before James Elliot and Garret Pendergrass, Jr.

SIGNED.

Anonguit.



Enishshera or Capt'n. Henry Mountare. H. M.

Connehracà hecat or the white Mingo.



## ACKNOWLEDGEMENT.

Bedford, SS: Came before me the subscriber, one of his Majestie's Justices of the Peace for said County the within named Indians, viz: Anonguit, Enishshera or Capt. Henry Mintare, Connehraca hecat or the White Mingo and acknowledged the within instrument of writing or bill of sale to be their act and deed and desired the same might be recorded as such. Given under my hand and seal in the month of February in the year of our Lord 1770.

JAMES ELLIOTT.

Recorded, September 19, 1772, by Ar.St.Clair, Recorder, in Deed Book "A" pages 29 & 30.



